

**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

08- 0-2281

AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 74 ENTITLED "RIPARIAN BUFFER REQUIREMENTS"; TO PROVIDE ADDITIONAL BUFFER REQUIREMENTS IN THE LONG ISLAND CREEK BASIN FOR WATER SUPPLY PROTECTION; AND FOR OTHER PURPOSES.

WHEREAS, in May 2001 the Atlanta City Council approved the Riparian Buffer Ordinance in an effort to protect water quality and fulfill the requirements of the Metropolitan River Protection Act; and

WHEREAS, in December 2001, the Atlanta City Council amended the ordinance to provide variance procedures to the stream bank buffer requirements; and

WHEREAS, the Metropolitan North Georgia Water Planning District Act, O.C.G.A. § 12-5-570 *et seq.* and the Georgia Department of Natural Resources Rules for Environmental Planning Criteria requires that the City of Atlanta adopt and administer the source water protection requirements of the District's Watershed Protection Plan.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That Atlanta City Code § 74-314 entitled "Relationships to O.C.G.A. § 12-2-8" is deleted in its entirety and replaced with the following:

Sec. 74-314. Relationship to O.C.G.A. § 12-2-8 and Source Water Protection.

(a) *Relationship to O.C.G.A. § 12-2-8.* The commissioner is not authorized to issue exemptions or grant stream bank variances for any buffer which is the responsibility of Georgia Environmental Protection Division ("EPD") pursuant to O.C.G.A. § 12-2-8. In the event that an applicant is also applying to EPD for a stream bank variance under O.C.G.A. § 12-2-8, exemptions or stream bank variances from this article may be considered concurrently. Receiving a stream bank variance from EPD from the operation of O.C.G.A. § 12-2-8 is not grounds for the commissioner to grant a similar exemption or variance if such exemption or stream bank variance does not meet the intent of this article.

(b) *Water Supply Protection (Long Island Creek Basin).* In addition to the provisions of this Article, the requirements listed in subsections (1), (2), (3) and (4) below shall apply to property within the Long Island Creek Basin. Whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence. Subsections (b) and (c) of this section are adopted pursuant to Georgia Department of Natural Resources Rules for Environmental Planning Criteria and

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 74 ENTITLED "RIPARIAN BUFFER REQUIREMENTS"; TO PROVIDE ADDITIONAL BUFFER REQUIREMENTS IN THE LONG ISLAND CREEK BASIN FOR WATER SUPPLY PROTECTION; AND FOR OTHER PURPOSES.

Council Meeting Date: December 1, 2008

Requesting Dept.: Department of Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to implement the requirements of the Metro North Georgia Water Planning District Act to protect the quality of water immediately upstream of the City's water supply intake on the Chattahoochee River by the end of 2008.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

In its last audit of the City's compliance with the Metropolitan North Georgia Water Planning District Act, Georgia EPD identified this item as one that the City needed to address by the end of 2008. Adoption of this ordinance would fulfill the requirement to protect source waters of the City.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*): TBD. We will work with Finance to set up an FAC.

Fund: _____ Account: _____ Center: _____

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: none

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

This Legislative Request Form Was Prepared By: Marc Goncher, Senior Assistant City Attorney

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____
Committee(s) of Purview: _____ City Utilities _____

Chief of Staff Deadline: _____ October 29, 2008 _____

Anticipated Committee Meeting Date(s): _____ November 11, 2008 _____

Anticipated Full Council Date: _____ November 17, 2008 _____

Legislative Counsel's Signature: _____ *Maisha L. Wood* _____

Commissioner Signature: _____ *Robert J. Hunter* ^{SP} _____

Chief Procurement Officer Signature: _____ *n/a* _____

CAPTION

AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 74
ENTITLED "RIPARIAN BUFFER REQUIREMENTS"; TO PROVIDE
ADDITIONAL BUFFER REQUIREMENTS IN THE LONG ISLAND
CREEK BASIN FOR WATER SUPPLY PROTECTION; AND FOR
OTHER PURPOSES.

FINANCIAL IMPACT (if any): n/a

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: *11/3/08* *Acote* ^{*JP*} Reviewed by: *11/13/08* *Amo*
(date) (date)

Submitted to Council: _____
(date)